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September 18, 1998

HAND DELIVERED

Magalie R. Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

Re: CC Docket No. 98-103

Dear Ms. Salas:

Enclosed are the original and six (6) copies of the Comments of the Internet Service Providers' Consortium for filing in the above-referenced docket.

Kindly date-stamp and return the extra copy of this cover letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,


Mitchell Lazarus

Counsel for Internet Service Providers' Consortium

ML:deb

Enclosures

cc: Service List
Ms. Deb Howard, ISPC
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Before the
Federal Communications Commission
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Pacific Bell Telephone Company
Pacific Bell Tariff FCC No. 128
Pacific Bell Transmittal 1986

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CC Docket No. 98-103

COMMENTS ON DIRECT CASE

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September 18, 1998

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SUMMARY

Most ADSL subscribers will use the service to access the Internet, and most will connect through an Internet Service Provider (ISP). The Internet Service Providers' Consortium (ISP/C) is the voice of independent ISPs — companies whose primary business is providing Internet services, unlike divisions of telephone companies like Pacific Bell, on-line content providers like AOL and CompuServe, or software companies like Microsoft.

Much of the debate on interstate-intrastate jurisdiction misses the most important point: namely, ADSL does just what the conventional local loop does, only better and faster. Both ADSL and the conventional analog loop send voice and data to the central office, where they are routed on to the ultimate destination. True, ADSL sends data faster, and at the same time as voice, but these are differences of degree, not of kind. A technology-neutral policy calls for the Commission to regulate both in the same way, as any other course would give undue weight to technical distinctions that should be irrelevant. The quantitative improvements that come with ADSL are no basis for a qualitative shift in regulatory philosophy.

ADSL is a basic service under Computer III, and so is fully subject to ONA requirements, whether tariffed at the federal or state level. Pacific Bell must unbundle ADSL and make it available to competing ISPs at nondiscriminatory rates, terms, and conditions. The Commission's proposal that would allow Pacific Bell to offer ADSL through a structurally separate affiliate should help to protect CLECs from anticompetitive behavior, it will do nothing to protect the "pure ISPs" — those that are not also CLECs. Thus, the ONA regime is still needed under the Commission's separation proposal, and ONA obligations must apply to Pacific Bell's ADSL affiliate just as they do to the parent company.

Finally, even a finding of interstate jurisdiction in this proceeding cannot subject ISPs to access charges. None of the Commission's several grounds for exempting ISPs from access charges — non-cost-based rates, inefficient rate structures, inappropriate regulatory model, lack of similarity to IXC's, and threat to growth of information services — have anything to do with this proceeding. Indeed, it was partly the access charge exemption that fostered the growth of the Internet, which in turn is driving the demand for ADSL today. It would be ironic indeed if the very success of the ISP exemption became the direct cause of its withdrawal.

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In the Matter of)	
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Pacific Bell Telephone Company)	CC Docket No. 98-103
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Pacific Bell Transmittal 1986)	

COMMENTS ON DIRECT CASE

The Internet Service Providers' Consortium (ISP/C) hereby submits these Comments on the Direct Case filed by Pacific Bell on September 11, 1998, in the above-captioned proceeding.

I. INDEPENDENT ISPS ARE A VITAL PATHWAY BETWEEN ADSL SUBSCRIBERS AND THE INTERNET.

Most ADSL subscribers will use the service to reach the Internet through an Internet Service Provider (ISP). ISPs are in the business of providing retail-level access to the Internet to anyone with a computer and a phone line (or other means of connection). Without the ISPs, only entities large enough to maintain their own networks could have Internet access. ISPs make the Internet universal and ubiquitous.

Independent ISPs are companies whose primary business is providing Internet services. The independents do not include divisions of telephone companies like Pacific Bell, on-line content providers like AOL and CompuServe, or software companies like Microsoft. In addition to serving consumers, independent ISPs typically work with the small businesses of their communities — companies and organizations that lack their own information services personnel and Internet expertise, and hence often demand considerable attention and resources from their ISPs. Many of these subscribers require assistance with individualized installations and

employee training, and depend on web sites designed and maintained by the ISP for their presence on the Internet. Some ISPs specialize in serving particular industries (health care, for example), and are able to offer industry-specific subject-matter expertise along with conventional Internet services. Together, small-business subscribers and individuals average about 85% of an independent ISPs' customers.

The independent ISPs can offer their subscribers levels of time and energy that the large, nationwide providers could never muster. Reaching out to their communities, independent ISPs create classes, software, and texts to assist the elderly, youth, and other populations who tend to be fairly late entrants to the Internet. Many independent ISPs have long translated their interest in community affairs into Internet access for local governments, schools, and libraries, including technical support and training, sometimes through reduced-charge or free accounts. In short, the independent ISPs focus closely on their local communities and respond to local needs.¹ A

¹ From one ISP/C member:

"We're the homey company with a local office who gives free classes for all the retirees and we let them bring in their computers if they don't work and we'll fix them. They can call and ask us all kinds of stupid questions They can come in and tell jokes and ask what kind of modem they should buy and they send us the neatest compliments and tell us how great we are. What great subscribers we have! The oldest is 92 and she golfs every day and uses the internet at night.

"We'll go to people's homes and set them up at no charge if they are handicapped. The biggies can't touch us. We also teach other "Interest Seminars" like how to do genealogy on the internet or how to set up your financial portfolio. We also teach how to use search engines and how to upload & download as well as how to do web pages. Once they take that class they usually hire us to do the web pages.

[. . .]

"No big outfit wants to come here - there just isn't enough volume. We even sell

Commission official has informally (but accurately) described the independent ISPs as “mom-and-pop shops who get grandmas online.”

Independent ISPs are a small-business success story in their own right. From only a handful of ISPs in 1995, the industry has grown to between 5,000 and 7,500 independent ISPs in the United States today. About 85% are themselves small businesses, with average revenues of about \$375,000. Most have between one and ten employees, and are growing. Collectively, all independent ISPs together account for 50 percent of the U.S. ISP market. They also create an increasing number of highly skilled technical positions in the United States and abroad.

The independent ISPs have led the expansion of the Internet into the fastest-growing communications medium in the history of civilization. Years before the telephone companies and other large providers showed any interest, it was the independent ISPs — some of them launched by the same people who helped to create the Internet — that risked their own assets to develop the growth market of the decade. They are still the only means of access to the Internet by a local call in most rural and small-market areas. Everywhere, the independent ISPs contribute more than their share of the vitality and diversity that enables millions of people to use the Internet daily to improve and enrich their lives.

About the Internet Service Providers' Consortium. The ISP/C is the largest trade association for small to mid-size ISPs and other members of the Internet services industry. (A

our service as the cheaper option to paying long distance charges to AOL. They can dial in to us, lower their AOL bill to \$9.95 per month and our \$25 makes their \$X00 phone bills look like the national budget."

list of members is attached as Appendix A.²) Founded in 1996, the ISP/C now includes over 230 company members, up 200 percent in the last year alone. ISP/C members provide local and backbone Internet access, online content, and hardware and software for the industry. Members of ISP/C have over 1 million subscribers in the aggregate, with headquarters in more than 42 U.S. states and 10 countries. Most members serve local or regional markets, and increasingly specialize in services for specific industries and personal attention for those who need it.³

The ISP/C welcomes members regardless of size and geographic location. It has emerged as the voice for independent ISPs.

II. THE COMMISSION SHOULD REGULATE ADSL JUST AS IT REGULATES THE CONVENTIONAL LOCAL LOOP THAT ADSL SERVICE WILL SUPPLANT.

Much of the record in this proceeding comprises efforts to persuade the Commission that its precedents require either interstate or intrastate jurisdiction for ADSL. In arguments of near-Talmudic complexity, the ILECs, CLECs, and large ISPs dissect past Commission teachings on jurisdictional separation, mixed use special access, inseparability, interstate contamination, mix-and-match, and every other doctrine they can bring to bear. Their pleadings debate the significance of the various technical distinctions between ADSL and conventional loop technologies, and analyze in detail the effect of each technological variation on the various

² Not all members listed in Appendix A have individually reviewed and approved this pleading.

³ Additional information about the ISP/C is available at <http://www.ISPC.org>.

precedents. And in the end, starting from the same essential facts and the same body of law, the various sides reach plausible — but opposite — results.

The ISP/C respectfully suggests that much of this debate misses the point. The parties pass over the one fact that should govern this proceeding: namely, ADSL does what the conventional local loop does, and over the same copper plant — just better and faster. Today, a subscriber uses the analog local loop to send voice and data to the central office, where it is routed on to its ultimate destination. An ADSL subscriber will also send voice and data to the central office, which will still route it on to the ultimate destination. To be sure, ADSL carries data faster, and at the same time as voice. But these are merely differences of degree, not of kind. ADSL performs the same functions as the conventional local loop without adding any new functionality of its own, other than speed. A subscriber needs a conventional local loop, or an ADSL-equipped loop, but to have both would be duplicative.

Inasmuch as subscribers will use ADSL for the same purposes as the conventional local loop, a technology-neutral policy calls for the Commission to regulate it in the same way. Any other course would give undue weight to technical distinctions that should be irrelevant. Of course, small regulatory departures may be necessary to accommodate the technical realities. But these fine points do not overshadow the fundamental issue that ADSL is merely an enhancement that improves how the same copper does the same job it has always done. The quantitative improvements that come with ADSL are no basis for a qualitative shift in regulatory philosophy.

III. THE COMMISSION MUST REQUIRE PACIFIC BELL TO PROVIDE ADSL TO COMPETING ISPs ON A NONDISCRIMINATORY BASIS.

1. Independent ISPs in Pacific Bell Territory Both Compete With Pacific Bell's Retail ISP Business and Depend on Pacific Bell's Facilities.

Pacific Bell is itself in the ISP business, and competes directly with independent ISPs for the same retail Internet customers. But, at the same time, the independent ISPs in Pacific Bell territory depend on Pacific Bell for the multiple local loops, and other facilities, that customers must use to reach the ISP, and for data lines that connect the ISPs to the Internet backbone. Pacific Bell thus has every opportunity — and every incentive — to misuse its facilities monopoly to discriminate against independent ISPs in order to build up its own ISP business.

Absent restraints, a carrier's exercise of rational self-interest, coupled with its facilities monopoly, will inevitably lead it to discriminate in order to hinder competition. Indeed, the carrier's duty to its shareholders requires it to maximize profit — within regulatory constraints. The Commission has long recognized that anticompetitive behavior on the part of carriers must be restrained through appropriate regulation, at least until competition becomes strong enough to exert control through market forces. Without regulation in the interim, real competition will never have a chance to emerge. The introduction of new telecommunications technologies, such as ADSL, does not alter the potential for anticompetitive abuse. Any plans to permit Pacific Bell to offer ADSL, whether by the carrier itself or through a subsidiary, must include safeguards to prevent anticompetitive practices against independent ISPs.

2. ADSL Is Fully Subject to Computer III ONA Requirements.

ADSL is a basic service. The Commission has long defined a basic service as

“a pure transmission capability over a communications path that is virtually transparent in terms of its interaction with customer supplied information.”⁴

ADSL squarely fits this definition. It is pure transport, carrying the customer's data from the customer's premises to the central office, and then on to a customer-selected destination, with no net change. Even though ADSL uses more sophisticated transmission methods than does plain old analog-over-voice, this has no bearing on its status as a basic service. Having long treated packet-switched transmission (for example) as a basic service,⁵ the Commission cannot consistently hold otherwise as to ADSL.

Because ADSL is a basic service, it is fully subject to Computer III ONA requirements. These impose specific obligations on Pacific Bell:⁶ It must unbundle ADSL and make it available to competing ISPs at nondiscriminatory rates, terms, and conditions.⁷ (Under the

⁴ Second Computer Inquiry, 77 F.C.C.2d 384, 420 (1980). ADSL also comes within the definition of “telecommunications” set out in the Telecommunications Act of 1996: “the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.” 47 U.S.C. § 153(43). For purposes of this pleading, the two definitions are coextensive.

⁵ Filing and Review of Open Network Architecture Plans, 4 FCC Rcd 2449, 2460 n.28 (1988) (“[Accunet Packet Service] is a packet-switched data transmission service that does not include protocol processing and is classified as a basic service.”)

⁶ The RBOCs, including Pacific Bell, became subject to Computer II on the eve of AT&T divestiture, BOC Separation Order, 95 F.C.C.2d 1117 (1983), and subsequently accepted the Computer III ONA regime in lieu of Computer II structural separation.

⁷ Any interstate tariff that Pacific Bell files for ADSL must reflect this unbundling. Filing and Review of Open Network Architecture Plans, 5 FCC Rcd 3084, 3089 at ¶ 43 (1990). The Commission likewise has authority to require appropriate ONA provisions in state tariffs.

separate requirements of Section 251, the carrier must also unbundle and separately tariff ATM or other transport from its central office to subsequent destinations, and make it available to CLECs.) Compliance with Computer III will deprive Pacific Bell's ISP of its unfair advantage owing to affiliation with the local monopoly facilities provider. Pacific Bell will not be hindered in any way, except by having to compete with the independent ISPs on equal terms.

3. The Computer III Safeguards Must Apply To a Pacific Bell ADSL Affiliate As Well As To the Regulated Company.

The Commission has proposed to offer the incumbent LECs, including Pacific Bell, an alternative way to satisfy their Section 251 unbundling and resale obligations, by providing ADSL service through structurally separate affiliates.⁸ A parent ILEC that seeks to obtain ADSL will have to stand in line with the CLECs, an arrangement that would facilitate detecting discrimination in the parent's favor. Moreover, the affiliate will have an incentive to make ADSL widely available to all comers, because that will tend to maximize the parent's revenues.

Even if this arrangement adequately protects the CLECs, however, it will do nothing to safeguard "pure" ISPs — ISPs that are not also CLECs. A pure ISP, not being a CLEC, is not eligible to take service under Section 251.⁹ Instead, the ISP still must either go to the parent

Filing and Review of Open Network Architecture Plans, 5 FCC Rcd 1, 148 at ¶ 283 (1988).

⁸ Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-11, Memorandum Opinion and Order, and Notice of Proposed Rulemaking, FCC 98-188 (released Aug. 7, 1998).

⁹ The Commission has proposed to offer pure ISPs the same "section 251-type unbundling" access rights as CLECs. Computer III Further Remand Proceedings, 13 FCC Rcd 6040, 6091 (1998). Even if the Commission adopts that proposal, however, many ISPs may opt as a business decision to take service through the ILEC or a CLEC. They should have the right

ILEC for service, or subscribe to a CLEC, if there is one in the market offering ADSL.

Analyzing the need for Computer III safeguards is a little different with and without an available CLEC, but the need is the same either way.

Case 1 — Only the Pacific Bell affiliate offers ADSL. This will be the usual case in rural and other lightly populated areas, where CLEC service is rare and the ILEC will remain the sole provider into the foreseeable future. As noted above, allowing Pacific Bell to offer unregulated ADSL though an affiliate offers no protection to independent ISPs. The ISP still must take service from the parent company, at whose hands it is still subject to exactly the same potential for anticompetitive behavior as if Pacific Bell itself provided ADSL. Thus, even with the structural separation proposed in Docket No. 98-11, the Computer III safeguards remain fully necessary.

Case 2 — One or more CLECs offer ADSL in competition with Pacific Bell. The existence of ADSL CLECs in the market means only a marginal improvement for independent ISPs, especially if there are just a few CLECs. The mechanism of an ADSL affiliate will keep down the rate the CLEC pays, but that does not stop the CLEC from overcharging the ISP. To the contrary, a CLEC that itself offers ISP service, as many do, is better off keeping its ADSL rates to competing ISPs high, while providing ADSL to its own ISP services at much lower rates. The CLEC's means and motive for anticompetitive behavior here are identical to Pacific Bell's. The CLEC, of course, is not subject to Computer III. But Computer III controls on Pacific Bell will set a price ceiling that restrains the CLEC as well.

to make that choice without thereby subjecting themselves to anticompetitive conduct.

Moreover, even a CLEC that does not offer its own ISP services has good reason to keep its ADSL prices high. Its only disincentive is the possibility of being undersold by Pacific Bell (or another CLEC). But consider the choices available to Pacific Bell, in the presence of a CLEC. Pacific Bell could lower ADSL rates to compete with the CLEC, and possibly sell more ADSL. More likely, though, it will keep ADSL rates high to the independent ISPs, thereby raising the ISPs' cost of doing business, and hence push up the rates that ISPs must charge their subscribers. This helps Pacific Bell sign up more customers to its own ISP at the expense of the independent ISPs. The CLEC knows that a rational ILEC would rather sell ISP service than ADSL service, because it makes more money that way. Thus, the CLEC knows it too can safely charge artificially high ADSL rates to independent ISPs, just like Pacific Bell, without fear of real competition from Pacific Bell.

In the long run, to be sure, the emergence of multiple CLECs will tend to bring ADSL rates down to competitive levels. But that will take considerable time, and may never happen outside the largest markets. In the meantime, the only way to ensure a properly competitive market for ISP services is to require Pacific Bell to unbundle ADSL and provide it to competing ISPs on nondiscriminatory terms. Obviously this rule must apply even if Pacific Bell takes ADSL from an affiliate, or it can have no effect at all.

In the same vein, Pacific Bell cannot be permitted to evade Computer III by offering ISP services through the same affiliate that provides ADSL. Pacific Bell might try to argue that only the regulated company is subject to the Computer III unbundling and nondiscrimination requirements, and that an affiliate providing both ADSL and ISP services need not offer ADSL at nondiscriminatory rates — or offer it at all — to independent ISPs. This argument would try to

use the protections proposed in Docket No. 98-11 to undercut those guaranteed by Computer III. The Computer III requirements for unbundling and nondiscriminatory provision must apply no matter how Pacific Bell distributes ADSL and ISP offerings among its corporate entities.

IV. REGARDLESS OF WHETHER ADSL IS JURISDICTIONALLY INTERSTATE OR INTRASTATE, ITS USE CANNOT SUBJECT ISPs TO ACCESS CHARGES.

In the pleadings of a proceeding parallel to this one, GTE appears to hint that a finding of interstate jurisdiction might subject ISPs to access charges.¹⁰ GTE is wrong.

The Commission's grounds for exempting ISPs from access charges — non-cost-based rates, inefficient rate structures, inappropriate regulatory model, lack of similarity to IXC's, and threat to growth of information services — have nothing to do with the issues in this proceeding.

Last year the Commission reiterated in detail why it proposed to maintain the exemption:

We explained that the existing access charge system includes non-cost-based rates and inefficient rate structures. We stated that there is no reason to extend such a system to an additional class of customers, especially considering the potentially detrimental effects on the growth of the still-evolving information services industry. We explained that ISPs should not be subjected to an interstate regulatory system designed for circuit-switched interexchange voice telephony solely because ISPs use incumbent LEC networks to receive calls from their customers.¹¹

In resolving to maintaining the exemption, the Commission explained further:

¹⁰ See Direct Case of GTE at 23-24 in CC Docket No. 98-79 (filed Sept. 8, 1998).

¹¹ Access Charge Reform, 12 FCC Rcd 15982, 16132-33 (1997), *aff'd sub nom. Southwestern Bell Tel. Co. v. FCC*, No. 97-2618, 1998 U.S. App. LEXIS 20479 (8th Cir. Aug. 19, 1998). Note that the Commission's opinion uses the abbreviation ISP to mean "information service provider," a category larger than "Internet service provider."

[G]iven the evolution in ISP technologies and markets since we first established access charges in the early 1980s, it is not clear that ISPs use the public switched network in a manner analogous to IXC's. Commercial Internet access, for example, did not even exist when access charges were established. As commenters point out, many of the characteristics of ISP traffic (such as large numbers of incoming calls to Internet service providers) may be shared by other classes of business customers.¹²

All of these grounds remain fully in force, regardless of the outcome of this proceeding. And the Commission's having used pre-ADSL words like "circuit-switched interexchange voice telephony" and "public switched network" does not change that result. Read fairly, in context, these terms describe the current scheme of regulation, not any particular technology. Moreover, that regulatory system reflects operation in a circuit-switched environment. If the evolution from a circuit-switched local loop to ADSL is a drastic enough change to call into question the ISP access charge exemption, then it is certainly drastic enough to undermine the fundamental assumptions on which access charges themselves are based.

Finally, Pacific Bell seems to agree that Internet access is driving the market for ADSL. But it was the Commission's access charge exemption, in part, that fostered the growth of the Internet,¹³ and hence led to the demand for ADSL that Pacific Bell now seeks to meet. It would be ironic indeed if the very success of the ISP exemption became the direct cause of its withdrawal.¹⁴

¹² *Id.*, 12 FCC Rcd at 16133.

¹³ *Id.*, 12 FCC Rcd at 16133 ("We think it possible that had access rates applied to ISPs over the last 14 years, the pace of development of the Internet and other services may not have been so rapid.")

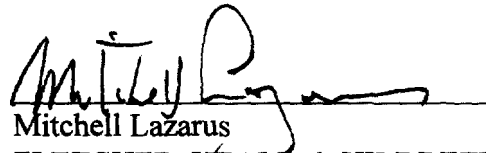
¹⁴ In any event, for the Commission to change its policy on ISPs and access charges in this proceeding would violate the notice-and-comment provisions of the Administrative

CONCLUSION

The Commission should adopt a technology-neutral stance toward enhancements of the local loop, and so should regulate ADSL just as it does the conventional analog local loop. Because ADSL is a basic service under Computer III, ONA requirements apply: Pacific Bell must unbundle ADSL and make it available to competing ISPs at nondiscriminatory rates, terms, and conditions. If the Commission ultimately adopts its proposal to permit the ILECs to meet their Section 251 obligations by providing DSL through a separate subsidiary, the ONA requirements must apply nonetheless. Finally, even a finding of interstate jurisdiction in this proceeding cannot subject ISPs to access charges.

Respectfully submitted,

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September 18, 1998

Counsel for
The Internet Service Providers' Consortium

APPENDIX A

Internet Service Providers' Consortium Membership Roster, September 1998

.NU Domain LTD	Sherborn	MA	USA	Bill	Semich
2 Cow Herd Internet Services	Venice	CA	USA	Deb	Howard
3Com Corporation / US Robotics	Mount Prospect	IL	USA	Katherine	Sawyer
AboveNet Communications	San Jose	CA	USA	Justin	Newton
ABSnet Internet Services, Inc.	Baltimore	MD	USA	Marc	Siegel
AcroNet Professional Internet Services Inc.	Kenosha	WI	USA	Chris	Pappe
Affordable Connections Internet Company	Pt. Charlotte	FL	USA	Tom	Weems
AlaNet Internet Services, Inc.	Dothan	AL	USA	Jennifer	Watts
Allegany.com Internet Services, Inc.	Warren	PA	USA	Oran	Stewart
Alpine Internet	Carson City	NV	USA	Richard	Hodges
Applied Personal Computing, Inc.	Fairview Heights	IL	USA	Kevin J.	Sawyer
Arisian Software	Jupiter	FL	USA	Mark	Velasquez
Astroarch Consulting, Inc.	Austin	TX	USA	Edward	Haletky
AT&T Networked Commerce Services	Bridgewater	NJ	USA	Pending	
Atlantech Online, Inc.	Silver Spring	MD	USA	Edward J.	Fineran
Atlas Communications	Springfield	MO	USA	Steve	Powell
Bay Networks	Parsippany	NJ	USA	Pending	
Berean Solutions, Inc.	Tupelo	MS	USA	Scott	Thomas
Berkeley Software Design, Inc.	Colorado Springs	CO	USA	Rob	Kolstad
Byte Size Computers	Berryville	AR	USA	Robert	Fowler
CacheFlow Inc.	Palo Alto	CA	USA	Tom	McCafferty
Call Sciences	Edison	NJ	USA	Robert N	Danskin
Canville Communications	West Chester	OH	USA	Dan C.	Rinnert
CapaNet Inc.	Natrona Heights	PA	USA	Tina Marie	CeLane
CapaNet, Inc.	Natrona Heights	PA	USA	Lee	Capa
Caprica	Monterey Park	CA	USA	Kenneth	Taira
Carolina Online Inc.	Anderson	SC	USA	Gary	Merck
carpeNet Information Technologies GmbH	Hofheim		Germany	Ray	Davis
ChooseYourMail.com	Chicago	IL	USA	Ian	Oxman
Christy Industries, Inc.	Fraser	MI	USA	Shayne	Judkins
Clarity Connect Inc.	Ithaca	NY	USA	Joseph	Lalley
ClearGate Communications, Inc.	Glastonbury	CT	USA	Gene	Tye
Colomotion, Inc.	San Francisco	CA	USA	Peter	Berns
CompuBasix	Corpus Christi	TX	USA	David	Routh
Connections Plus Internet Services	Sumter	SC	USA	Dan	Haughton
ConnectLink Inc	Chesapeake	OH	USA	Phil	Henson
CrimsonWeb Information Systems	La Crescenta	CA	USA	Jason	Ingham
Critical Path Inc.	San Francisco	CA	USA	Shelley	Alger
CSRLink, Inc. (Uplink)	Montoursville	PA	USA	Micah	Brown
CubeXS Private Limited	Karachi	Sind	Pakistan	Aly G.	Ramzan
Cumberland Internet, Inc.	Toledo	IL	USA	David	Glynn
Cyberix, Inc.	Warminster	PA	USA	Kyoungbum	Park
Cyberport LLC	Clarmont	NH	USA	R. David	Murray

Data Instruments, Inc	Marietta	GA	USA	Stephanie	Haas
Deepwell Internet Services	Fair Oaks	CA	USA	Ian	Briggs
DeMan Communications, LLC	Bellingham	WA	USA	Michael	DeMan
DFW Family Internet Services	Plano	TX	USA	William	Yiu
Didja Net Communications	Pontotoc	MS	USA	Ricky	Robbins
Digital Internet Access Link, Inc.	Springfield	MO	USA	Tim	Hite
Digital Starlight Communications, Inc.	Agoura Hills	CA	USA	Alan	DeRossett
Dimensional Communications, LLC	Denver	CO	USA	David	Denney
Direct Network Access	Berkeley	CA	USA	Dror	Matalon
Dream Communications, Inc.	Cohasset	MA	USA	Aaron	Sawchuk
dsl.net, inc.	West Haven	CT	USA	John	Jaser
Dundee Internet Services, Inc.	Dundee	MI	USA	Patricia	Rountree
EarthReach Communications, LLC	Appleton	WI	USA	Jeff	Vogt
EAZNet	Safford	AZ	USA	Eddie	Fry
Electro Link Network, Inc.	Elburn	IL	USA	Dan	Graupman
Elite.net	Merced	CA	USA	Gilbert James	Arguelles
EnterAct, LLC	Chicago	IL	USA	Tracy	Snell
Enterprise Information Services, Inc.	Washington	DC	USA	Hasan	Muhammad
Ericsson Inc.	Richardson	TX	USA	Mike	Litherland
Erols Internet	Springfield	VA	USA	Alec	Peterson
E-world Internet	Fullerton	CA	USA	Charles	Chang
EXP Internet Services	Bridge City	TX	USA	J. Glenn	Hughes
Fastransit Communications, Inc.	West Jefferson	NC	USA	Scott	Knapp
Florida Digital Turnpike	Tallahassee	FL	USA	Harald W.	Kegelmann
Fort Nocs Inc.	Anchorage	AK	USA	Lance	Ahern
Frazier Mountain Internet Service	Pine Mountain Club	CA	USA	Scott	Rosen
Frontier GlobalCenter	New York	NY	USA	Jason	Zigmont
G.R.I.N. Net	San Francisco	CA	USA	Andrew	Robinson
Global Computer Services, Inc.	Concord	NC	USA	Douglas S.	Childress
Globalnet	Philo	OH	USA	Jeff	Ault
Gotham Amalgamated InterNetworking Corp.	New York	NY	USA	Richard	Safran
Ground SystemHouse, Inc.	Olney	MD	USA	Scott	Whittle
Gulf South Internet Services Inc.	Metairie	LA	USA	Richard	Palmer
GulfAccess, Inc.	Naples	FL	USA	Brad	Sprowls
Gweep Internet	Waltham	MA	USA	MegaZone	
Harbor Communications	Painesville	OH	USA	Scott	Leonello
Highfiber Network	Albuquerque	NM	USA	Holly	Steinberg
Hi-Tak International, Inc.	New York	NY	USA	Mintak	Ng
Homebug	Wothington	OH	USA	Alan	Bond
Homenet Communications	Warner Robins	GA	USA	Steve	Berman
Hubris Communications	Garden City	KS	USA	Chris	Owen
Hypernet Communications	Cleburne	TX	USA	Douglas	Bowyer
iHighway.net, Inc.	San Jose	CA	USA	John M.	Brown
I-Land Internet Services	Sedalia	MO	USA	Chris	Young
Infolink Servicios, S.C.	El Paso	TX	USA	Jose A.	Gonzalez
InfoMine Of The Rockies, Inc.	Butte	MT	USA	Phillip J.	Curtiss
InReach Internet, LLC	Stockton	CA	USA	John	Keagy

Insync Internet Services, Inc.	Houston	TX	USA	David	Power
Interactive Telecommunications Program	New York	NY	USA	Barbara	Steinberg
InterComm Technologies, Inc.	Otterbein	IN	USA	Bill	Warner
Interconnected Associates	Seattle	WA	USA	Jeffrey	Sterling
Interface Computer Center L.L.C.	Fayetteville	AR	USA	Jeremy	Webb
InterKan.Net, Inc.	Manhattan	KS	USA	Justin	Geering
Intermedia Internet Services	Kingsport	TN	USA	Tony	Falin
International Web Broadcasting Corp.	Portland	OR	USA	Joanne	Collins
Internet 1 st	St Louis	MO	USA	Tim	Flavin
Internet of the Sandhills	Southern Pines	NC	USA	Beth	Morgan
Internet Texoma, Inc	Denison	TX	USA	Larry	Vaden
Internet Wizards	Kent	WA	USA	Robert T.	Smithing
internet@vantage, inc.	Honolulu	HI	USA	Sherwood	Pekelo
Iperdome, Inc.	Atlanta	GA	USA	Jay	Fenello
ISP Power Corporation	Honolulu	HI	USA	Marc	Rapoza
ISPNews, Inc.	Plymouth	MI	USA	Michael	Betts
JAJAweb, LLC	San Antonio	TX	USA	Robert G.	Allen
JASKE Internet Solutions	Chicago	IL	USA	Alexi	Touloumis
John Leslie Consulting	Milford	NH	USA	John	Leslie
JPS Online Systems, Inc.	Westerly	RI	USA	John	Sulima
Klondyke's Online Services	Richmond	MI	USA	Maria	Wells
Las Vegas Internet	Las Vegas	NV	USA	Mike	Butler
LGA International	Singapore		Singapore	Daniel	Ang
LinkAmerica Communications	New York	NY	USA	Rachel	Luxemburg
Linkline Internet Access	Mira Loma	CA	USA	Philip	Ardron
Lockridge, Grindal, Nauen & Holstein	Minneapolis	MN	USA	Christopher	Sandberg
Lucent Technologies RABU	Pleasanton	CA	USA	John	Mann
Lynks Network Services, Inc.	Fayetteville	AR	USA	Calvin	Anderson
Madison County Telephone	Huntsville	AR	USA	Jeremy	Webb
MagicNet, Inc.	Orlando	FL	USA	Robert D.	Thrush
MAP Internet Inc.	Springfield	MA	USA	Grosvenor	Heacock
Maui Gateway	Kihei	HI	USA	George	Fontaine
Maui Net, Inc.	Kihei	HI	USA	Roger	Stout
Maximum R&D	Los Angeles	CA	USA	Mark	Geisert
Meganet Communications, TCIX, Inc.	Fall River	MA	USA	Brian	Wallingford
Memra Software Inc.	Armstrong	BC	CANADA	Michael	Dillon
Mercury Network	Midland	MI	USA	David	Sovereign
MGC Communications, Inc.	Las Vegas	NV	USA	Scott A.	Buften
Michweb, Inc.	Cadillac	MI	USA	Matt	Simerson
Midcoast Internet Solutions	Newcastle	ME	USA	Jason J.	Simonds
Midwest Web Inc.	Painesville	OH	USA	Mark	Canfield
Millennia Communications, LLC	San Diego	CA	USA	Rick	Stevens
Mint City Internet	St. Johns	MI	USA	Barry	Buchholz, Jr.
Moss Communication	McMinnville	OR	USA	Steven P	Schalock
MV Communications, Inc.	Manchester	NH	USA	Mark	Mallett
MVA.NET	Haverhill	MA	USA	Dave	Spaulding
N2 The Net	Cookeville	TN	USA	Kevin W.	Paul
N2H2 Corporation	Seattle	WA	USA	Kevin	Fink
NameSecure	Moraga	CA	USA	Patrick	Greenwell

Net Access Corporation	Newton	NJ	USA	Alex	Rubenstein
Net Carrier Inc.	Telford	PA	USA	Chris	Peltier
Net Crusader, Inc.	Manassas Park	VA	USA	J. Carlos	Castro
Net56+	Palatine	IL	USA	Robert	Strickler
Netaxs	Philadelphia	PA	USA	Avi	Freedman
NetCreations, Inc.	Brooklyn	NY	USA	Rosalind	Resnick
Netmeg Internet	Monroe	CT	USA	Matt	Magri
NetSpace, S.A. de C.V.	Toluca		Mexico	Oscar	Mondragon
Netstarz Solutions	Toomsboro	GA	USA	Harold G.	Powers
Netstep Access Services	Kingston	NY	USA	Robb	Kinnin
Netsurfer, Inc	Atlanta	GA	USA	J. Scott	Williford
Netuser Communications	Cupertino	CA	USA	Greg	Merrell
Network Trend Technology	Shinjuku, Tokyo		Japan	Tateishi	Saigoh
Newport Internet	Newport	OR	USA	Don	Lashier
NFO Research	Greenwich	CT	USA	Mickey	Bennett
Noguska	Fostoria	OH	USA	George	Gibat
NorthPoint Communications, Inc	San Francisco	CA	USA	Matthew J.	Going
Nothin But Net, LLC	Mount Laurel	NJ	USA	Len	Pikulski
NYCPORT Networks	New York	NY	USA	John	Kenney
On-Line Systems	Palatine	IL	USA	Jay	Griffiths
Pact Communication Group, Inc.	Ft. Lauderdale	FL	USA	Camilo	Pereira
Palmer Divide Communications	Monument	CO	USA	Joseph M.	Beggs
Pampa Cyber Net	Pampa	TX	USA	Douglas	Locke
Panda Communications LLC	Santa Cruz	CA	USA	Harry	Landers
PAXnet Communications Inc.	Greenville	SC	USA	James J	Mundy
PCs Made Easy, LLC	Tagard	OR	USA	Ken	Rea
PEGLabs	San Francisco	CA	USA	Tom	English
Penncom Internet Company	Warren	PA	USA	Laura	Megill
Pennsylvania Online LTD.	Harrisburg	PA	USA	George F.	Peace
Pinellas Internet Services	Clearwater	FL	USA	Roxanne	Loveday
Plantaganet Internet Services	Doylestown	PA	USA	James	Smallacombe
Poulton Associates	Salt Lake City	UT	USA	Craig K	Poulton
PressEnter	River Falls	WI	USA	David E.	Bushard
Priori Networks		CA	USA	Timothy	Brown
Priori Networks	Redwood City	CA	USA	Robert	Shearing
Private I, LLC	Louisville	CO	USA	Kevin	Wenzel
Progressive Telecom	Doylestown	PA	USA	Ken	Klosinski
QDO	Lahore		Pakistan	Suhael	Ahmed
Rocky Mountain Internet Junction	Golden	BC	Canada	Terry	Hickey
Rural Communications, Inc.	Cedar Hill	MO	USA	Christopher	Jones
Scescape, Inc.	Aiken	SC	USA	Joe	Bonin
SBBSNET	Saginaw	MI	USA	Jonathan D.	Hozeska
Sentient Networks, Inc.	Milpitas	CA	USA	Sunil	Dhar
ShreveNet, Inc.	Shreveport	LA	USA	Brian	Feeny
SkyCache, Inc.	Laurel	MD	USA	Doug	Humphrey
SLIP.NET	San Francisco	CA	USA	Ted	Glenwright
SoftAplic S/C Ltda	Belo Horizonte	MG	Brazil	Edesio	Costa e Silva
Software Design Associates	Poway	CA	USA	Jeff	Lawhorn
SONET Communications	Lawton	OK	USA	John	Gisclon

Sonoma Systems	Marina del Rey	CA	USA	John	Mazzaferro
Southern Star	Metairie	LA	USA	John R.	Souvestre
SouthNet Inc.	Hamilton	AL	USA	Tony	Williams
Southwest Cyberport	Albuquerque	NM	USA	Mark	Costlow
SoVerNet	Bellows Falls	VT	USA	Erik	Leo
SparkNET Corporation	Green Bay	WI	USA	Christopher	Knight
SpeedLink	Pontiac	MI	USA	Melih	Oztalay
Stevens Enterprise	Beaumont	TX	USA	Kenneth M.	Stevens
Surfari Internet Provider Services	Grover Beach	CA	USA	Kent	Crow
Sutter Yuba Internet Exchange SYIX.COM	Yuba City	CA	USA	David	Overton
TDI Internet, Inc.	Monroe	MI	USA	Tom	Bilan
Telalink Corporation	Nashville	TN	USA	Bob	Collie
Telechoice	North Brunswick	NJ	USA	Neville	O'Reilly
Teleport Internet Services	Portland	OR	USA	James S.	Deibele
Televolve, Inc. (San Francisco Online)	San Francisco	CA	USA	William	Sommers
TeQ Works!	Edmonton	Alb	Canada	Kevin	Crocker
Texas Networking, Inc.	Austin	TX	USA	Ron Barron	Yokubaitis
The Binary Bin	West Deptford	NJ	USA	Brian	Waters
The Foxberry Network Inc.	Monroe	MI	USA	Thomas	Fox
The UserFriendly Network	West Reading	PA	USA	Michael	Weiner
Thevoid.net	Studio City	CA	USA	Dean	Schinnerer
Tigerden Internet Services	Dayton	OH	USA	George	Nemeyer
TriloBYTE Services, Inc.	Tooele	UT	USA	Michelle	Lawrence
Union Net	Baltimore	MD	USA	M.C.	Motsko
Universal Internet, LLC	Carmel	CA	USA	Brian	Steckler
US Xchange, LLC	Grand Rapids	MI	USA	Scott	Brew
UsefulWare Inc.	Marietta	GA	USA	John	Foltz
Valhall Access	Welland	ON	Canada	Kitty Sue	Morgan
VCNet	Camarillo	CA	USA	Bob	Rust
VECNet	Tucker	GA	USA	Charles T.	Smith, Jr.
Verio RustNet, Inc.	Livonia	MI	USA	Lynne	Mullins
Virginia Internet Express	Dayton	VA	USA	Fred R.	McDavid, Jr.
VisiNet	Newport News	VA	USA	Edward	Fang
Visual Link Internet	Winchester	VA	USA	Mark	Bayliss
Web Technologies	Amherst	NY	USA	Shawn P.	Lemay
WebbSite, Inc.	Fayetteville	AR	USA	Jason	Webb
WebMasters, Inc.	Horsham	PA	USA	David	Weiner
Wizvax Communications	Troy	NY	USA	Richard	Shetron
WTS OnLine	Dallas	TX	USA	Gerry	Dalton
Xcom	Cambridge	MA	USA	John	Johnson
Yosemite Network	Mariposa	CA	USA	Mike	Bird
Zocalo	Berkeley	CA	USA	Bill	Woodcock

Certificate of Service

I, Mitchell Lazarus, an attorney with the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 18th day of September, 1998, I caused copies of the foregoing "Comments On Direct Case Of The Internet Service Providers' Consortium" to be delivered by hand to the following:

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